

REMARKS

In the present application, claims 1-40 and 42-70 are pending. Claims 1-40 and 42-70 are rejected. Claim 68 has been amended. As a result of this response, claims 1-40 and 42-70 are believed to be in condition for allowance.

Claim Rejections – 35 USC § 112

The Examiner rejected claim 68 for depending on itself while noting that, for examination purposes, claim 68 was considered to be dependent upon claim 67. Claim 68 is amended herein to depend upon claim 67. The rejection of claim 68 under 35 USC § 112 is therefore traversed.

Claim Rejections – 35 USC § 102

The Examiner rejected claims 1-26, 28-40, and 42-70 as being anticipated by Berger et al. (6,414,693).

With respect to claims 1 and 14, the Examiner asserts that Berger teaches, generally, “a computer site comprising an interface”, and “a user station coupled to said computer site” wherein the user station comprises “an interface for enabling a user to access said graphics server for defining a desired design to be placed on a consumer product (e.g., col. 2 lines 24-28, col. 3 lines 12-30, and figs. 4-5). The Examiner further asserts that Berger et al. teaches “a manufacturing subsystem (the appropriate printer will print the desired image on the 3-D physical object, e.g., col. 7 lines 57-67) for receiving data descriptive of said desired image, and for manufacturing, at said user station, at least one three-dimensional component of said consumer product to have said desired image placed on it as a decorative element (e.g., col. 7 lines 10-67, and figs. 4, 5, 7 & 9). (The three dimensional article which is being imprinted with an [sic] graphical or designed image is immaterial, the reference to Berger et al. clearly shows imprinting user selected images on any number of three dimensional articles . . .)”.

Applicants respectfully disagree with the Examiner’s characterization of the teachings of Berger et al. Specifically, Applicants contend that the Examiner is in error when asserting that Berger et al. teaches an equivalent to the claimed manufacturing subsystem.

Claim 1 recites in relevant part:

- (b) a manufacturing subsystem for receiving data descriptive of said desired image, and **for manufacturing, at said user station, at least one three-dimensional component of said consumer product** to have said desired image placed on it as a decorative element. (emphasis added).

It is therefore evident that claim 1 recites a user station comprising a manufacturing subsystem “for manufacturing, at said user station, at least one three-dimensional component of said consumer product.” The Examiner is simply incorrect in asserting that Berger et al. teaches that “the appropriate printer will print the desired image on the 3-D physical object” citing col. 7 lines 57-67. Berger et al. teaches no such thing. Quite the contrary, Berger et al. teaches, at the Examiner’s citation and elsewhere, that a screen display is utilized to manipulate and position a graphic (in GIF formatted logo) over a JPEG image of a bag “until the desired appearance is attained. Once the desired appearance is finalized, the finished bag can be saved for later use . . .”. (col. 7, lines 57-59). Continuing, “In addition, the finalized design can be printed by clicking the print button 718. A print command causes a appropriate application software within the users computer to send the screen image to a dedicated printer.” (col. 7, lines 63-67).

Far from “manufacturing, at said user station, at least one three-dimensional component of said consumer product”, Berger et al. teaches printing a page showing an image of the finished object, not the finished object itself. As Berger et al. makes clear, “Finally, the image can be submitted for production by clicking the submit button. . . . When the customized bag image is submitted to the supplier, the selected GIF file, in its finalized location within the JPEG bag image file are downloaded to the supplier/system operator for storage in an order database. . . . The coordinate location of the GIF file with respect to the bag image is stored so as to maintain its relative location on the bag when reviewed by **the supplier’s production department** out of the database.” (col. 7, line 67 – col. 8, lines 1-9)(emphasis added).

Furthermore, Berger et al. states at col. 2, lines 2-3, that the invention provides a system “so that the user can preview an article before commissioning an order.” And, at col. 8, lines 23-27, Berger et al. states “This process assists end users in coming to a final determination on a

customized design as it shows the finished article in a relatively accurate way. **While the system may not replace the actual production of samples ...**". (emphasis added).

It is therefore evident that Berger et al. fails to teach manufacturing, at a user station, a component of the consumer product, let alone a three dimensional component as is recited in claim 1. In fact, Berger et al. teaches sending an image to a supplier's production department to produce a customized product. As a result, Applicant's traverse the rejection of claim 1. As all of the remaining independent claims 11, 13, 14, 29, and 39 recite an element similar in content to the recitation in claim 1 element of "manufacturing, at said user station, at least one three-dimensional component of said consumer product", such claims are likewise in condition for allowance. As all of claims 2-10, 12, 15-26, 28, 30-38, 40, and 42-70 depend upon independent claims which are clearly in condition for allowance, they are likewise in condition for allowance.

Claim Rejections – 35 USC § 103

The Examiner rejected claim 27 as being unpatentable over Berger et al. in view of Harris (6,314,306 B1). Specifically, the Examiner asserted that, "Berger does not teach that the user interface further enables a user to select, modify or create an audible signal for user with the mobile station. However, Harris clearly shows that ring commands can be sent to a mobile device via a delivery service to change ring tones of the mobile device."

Applicants respectfully submit that Harris does not teach, nor does the Examiner assert that Harris teaches, "manufacturing, at said user station, at least one three-dimensional component of said consumer product". Further, Harris explicitly recites at col. 2, line 51 that the delivery service is wireless; claim 27 recites that a user interface at a user station enables a user to select, modify, or create an audible signal for use with a mobile station. Clearly, the asserted combination of customizing a graphic on a bag (Berger) and wirelessly sending a series of ring commands to a mobile device (Harris) is neither motivated nor results in the system of claims 14 and 27. As a result, for the reasons stated above, combining the teachings of Berger et al. and Harris, such a combination neither suggested nor deemed appropriate, would similarly fail to teach or suggest this element of claim 14, upon which claim 27 depends, or the specific subject matter of claim 27. As a result, the rejection of claim 27 is hereby traversed.

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Amendment dated: July 27, 2005

Reply to Office Action dated: April 29, 2005

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

Respectfully submitted:


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